

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PLAYBOY ENTERPRISES
INTERNATIONAL, INC., a Delaware
corporation,

Plaintiff,

vs.

PLAY BEVERAGES, LLC, a Delaware limited
liability company; CIRTRAN BEVERAGE
CORPORATION, a Utah corporation, and
CIRTRAN CORPORATION, a Nevada
corporation,

Defendants.

Case No. 13 CV 00826

Judge Robert W. Gettleman

**DECLARATION OF BRYON J. BENEVENTO SUBMITTED IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Bryon J. Benevento, declare as follows:

1. I am a partner in the law firm of Dorsey & Whitney LLP and counsel for Defendants Play Beverages, LLC ("Play Bev"), CirTran Beverage Corporation ("CBC"), and CirTran Corporation (collectively, "Defendants") in this action. I have personal knowledge of the following facts set forth in this declaration, and if called to testify, I would competently testify as follows:

2. True and correct copies of two emails dated April 6-7, 2011 (bates labeled PBY 7567, PBY7548), which were produced by Plaintiff Playboy International, Inc. ("Playboy") in discovery in an earlier matter, are attached hereto as Exhibit A.

3. A true and correct copy of an April 19, 2011 email from Sarah Haney to Alex Vaickus (PBY 7446), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit B.

4. A true and correct copy of an April 25, 2011 email from Sarah Haney to Alex

Vaickus (PBY 8322), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit C.

5. A true and correct copy of an April 8, 2011 email from Sarah Haney to Alex Vaickus (PBY 7523-7524), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit D.

6. A true and correct copy of an April 15, 2011 email from Alex Vaickus to Sarah Haney (PBY 1662), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit E.

7. A true and correct copy of an April 25, 2011 email from Judy Kawal to Sarah Haney (PBY 8324) which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit F.

8. A true and correct copy of a May 2011 email exchange between Sarah Haney and M. Grindel (PBY 2451), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit G.

9. A true and correct copy of an April 26, 2011 email exchange between Sarah Haney and Jimmy Esebag (PBY 8297), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit H.

10. A true and correct copy of an April 25, 2011 email exchange between Sarah Haney and Jimmy Esebag (PBY 8308), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit I.

11. A true and correct copy of a May 19, 2011 Letter from Daulet Nurzhanov to Jimmy Esebag (PBY 2694), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit J.

12. A true and correct copy of a May 23, 2011 email from Judy Kawal to Markus Grindel, Ana Cashman, Jennifer Kelly (PBY PBY 4124-4125), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit K.

13. A true and correct copy of a May 26, 2011 email from Ron Coopersmith to Judy

Kawal (PBY 2697), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit L.

14. A true and correct copy of a June 1, 2011 email from Judy Kawal to Christian Thompson (PBY 2701-2702), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit M.

15. A true and correct copy of a July 3, 2011 email from Judy Kawal to Catherine Cade (PBY 2097), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit N.

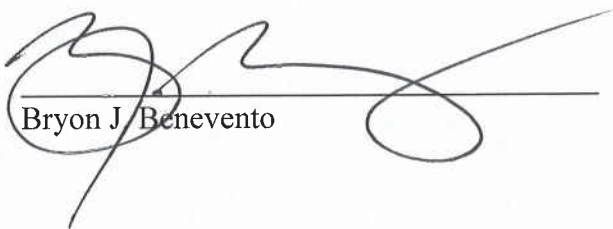
16. A true and correct copy of a July 14, 2011 email from Judy Kawal to Catherine Cade (PBY 2126), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit O.

17. A true and correct copy of a July 14, 2011 email from Judy Kawal (PBY 2653), which was produced by Playboy in discovery in an earlier matter, is attached hereto as Exhibit P.

18. A copy of Play Bev and CBC's First Amended Complaint, filed in Cook County, Illinois, is attached hereto as Exhibit Q.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of March, 2013 at Salt Lake City, Utah.


Bryon J. Benevento

CERTIFICATE OF SERVICE

I, Michael P. Conway, an attorney, hereby certify that on March 5, 2013, I caused a true and complete copy of the foregoing **DECLARATION OF BRYON J. BENEVENTO SUBMITTED IN OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION** to be served by Electronic Mail Transmission via ECF as to Filing Users upon the following:

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s/ Michael P. Conway

Michael P. Conway